

Jacksonville Farmers' Market Rules & Regulations

Effective: January 2020-December 2020

Official Jacksonville Farmers' Market Dates: Sundays Only - May 17th through October 25th

The Jacksonville Parks and Recreation Department oversees operation of the Jacksonville Farmers' Market and is dedicated to its success. A well maintained and operated Market for the sale of high quality products will benefit the producer, the consumer, and the community. Any questions or concerns should be directed to the Jacksonville Parks and Recreation Department.

Products

In order to maintain the integrity and vision of the Jacksonville Farmers' Market, only the following *Arkansas grown/produced* items may be sold by Farmers at the Farmers' Market: cheeses, flowers, fruits, grains, honey, marinades and sauces, molasses, plants, raw juices, trees, vegetables, and other similar produce. Further, sales of pieces of arts and crafts that are handmade and sold by the local artist/crafter as well as baked goods may be allowed, but only on Tuesdays unless specified otherwise by the Parks Department staff. (More information on this can be found in the Hours/Days of Operation Section on page 3.) High quality fresh-cut field/garden flowers and locally-grown potted, hanging, and bedding plants and trees are also permitted to be sold at the Market.

The following items *CANNOT* be sold in the Farmers' Market:

- Flea Market Items
- Novelty knives and weapons of any nature
- Items with obscenities, written or implied
- Live animals
- Automotive products
- Alcoholic Beverages

Farmers are allowed to sell produce that is *Arkansas grown only*. As always, very high quality produce is expected, and any substandard produce will be barred from the Market. No Farmer shall sell produce which is unsound or unwholesome, or which fails to meet the standards or requirements of federal, state, and local laws. All Farmers will observe all applicable health, safety, sanitation, or other regulatory and legal requirements. In no instance will produce that contains a total or more than Ten Percent (10%) decay, shriveling, and/or blemishes may be offered for sale. If a Farmer has unfit produce and must remove such while at the Market the Farmer must pack it and take it from the site- no spoiled produce can be left at the Market. Farmers who sell unfit produce will be asked to remove it from their display. No Farmer shall use a "false pack", which means topping or facing containers with the best produce exposed and poor produce concealed underneath. All produce must be graded before it is brought to the Market to minimize the amount of spoilage. Farmers/vendors may not sell beverages or snacks in their booths.

Locally Prepared Food Products

All items must be prepared in an approved kitchen and must meet all Health Department regulations regarding labeling and packaging. Farmers wishing to sell baked or canned items must have an approved Retail Food establishment permit on file with the local Health Department. Farmers bringing baked or canned goods to the Market must provide the Jacksonville Parks and Recreation Department with a copy of the approved Retail Food establishment permit for office files *prior* to selling items. Exemptions to the previous rule are for foods which fall under the Cottage Food Act, which will be explained later in these rules and regulations. For additional information regarding receiving an approved retail Food establishment permit, labeling and packaging standards, please contact the local Health Department at (501) 982-7477. Farmers selling baked goods that are not individually wrapped and sold from an enclosed container *must* wear protective gloves when handling the product.

Health Department/USDA

Any Farmer bringing homemade food items to sell at the Market must follow the requirements set forth by the Health Department, as previously stated. All homemade items must be prepared in an approved kitchen with a copy of the Retail Food establishment permit on file with the Jacksonville Parks and Recreation Department and have a label affixed to the packaging. Printed clearly on the label should be the following information: **your name or business name, full address and phone number, net weight of the product, and a complete list of ingredients.** Exemptions to the previous rules are for foods which fall under the Cottage Food Act, which will be explained later in these rules and regulations. The Health Department has notified management that Farmers may only sample items if they are pre-packaged in individual containers prior to coming to the Market. Failure to comply with this rule will result in the entire Market being shut down. Due to handling of food products/food nature, personal hygiene/cleanliness must be kept in line with Arkansas Department of Health Regulations 3-401: The overall cleanliness and observation of good hygienic practices by farmers include not only the personal cleanliness of the farmers but also the way he/she performs his/her business transactions. Producers are certainly welcome at the Market but are required to follow all applicable local, state, and national regulations and guidelines. All cool, cold, and/or frozen products must be kept refrigerated and shall be sold in accordance with all applicable State Health Department regulations. Cut food or produce must remain covered and protected from the elements at all times, and Farmers will not be allowed to walk through the Farmers' Market to display/sell their products. Any questions regarding such rules should be addressed to the local Health Department at (501) 982-7477.

Cottage Food Act

Act 72 of 2010 defines a "Cottage food production operation" as food items produced in a person's home that are non-potentially hazardous foods such as bakery products, candy, fruit butter, jams, and jellies. *Only these 5 products are covered in Act 72 and are the only products allowed to be sold under Act 72 of 2010.*

NOTE: Jams, jellies, and fruit butter made from Splenda and similar sugar substitutes are considered potentially hazardous foods and may *not* be sold.

If the food item is not a bakery product, candy, fruit butter, jam, or jelly, it is *not* to be sold as a Cottage Food Item.

Food items that must be kept refrigerated or hot to remain safe are potentially hazardous foods and are *not* allowed to be sold as a Cottage Food Item.

Examples of bakery items that would *not* be allowed to be sold include cheesecakes, Tres Leches cakes, cream or cheese filled items, cream pies, meringue pie, custard pies, pies or bakery items containing meat and cream cheese based frostings or fillings.

Cottage food items can only be sold direct from the manufacturer to the consumer either from the site where food is made, a Farmers' Market, a County Fair, or a special event. The food vendor should verify that the sale of Cottage Food is not in violation of local ordinances by contacting the local and county offices.

Each Cottage Food item shall be clearly labeled and make no nutritional claims. The label on each food item shall include **the name and address of the manufacturer, the name of the product, the ingredients in the product, and state in 10-point type, "This Product is Home-Produced."**

Hours/Days of Operation

The Jacksonville Farmers' Market will advertise operation on the First Sunday in May through the Final Sunday in October.

Advertised operation for any vendor, including, cheeses, flowers, fruits, grains, honey, marinades and sauces, molasses, plants, raw juices, trees, vegetables, and other similar produce as well as arts and crafts that are handmade and sold by local artists and crafters as well as baked goods, will be on Sundays from 10:00 a.m. – 3:00 p.m., rain or shine. Vendors must purchase a permit for these days unless otherwise specified by the Jacksonville Parks and Recreation Department. Violation of such provisions will result in removal and possible suspension of said Farmer/Vendor from the Jacksonville Farmers' Market.

For other days of the week, Farmers/Vendors may use the Southern-most One Hundred Feet (100') of the Pavilion Parking Lot as designated by the Parks and Recreation Commission. In the case of the pavilion not being utilized by others, Farmers/Vendors, will be allowed to use the Pavilion on days other than Market Advertised days. The Jacksonville Farmers' Market shall be closed on Memorial Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Day.

Tents or canopies are allowed and will be the responsibility of the Farmer/Vendor.

Rental Permit Fee

All Market Farmers/Vendors must fill out an application and all fees must be paid in full *prior* to any sales or participation. All applications, payment, permits, and certifications will be paid, issued, and managed by and through the Jacksonville Parks and Recreation Department at the Jacksonville Community Center.

The fee to be paid to the City by each Farmer/Vendor for the use of the designated space(s) at the Farmers' Market shall be Twenty-Five Dollars (\$25.00) per season for Business(es)/Farmer(s)/Individual(s)/Vendor(s), and said amount shall be paid for annual Jacksonville Farmers' Market Permit Licensing. Those Business(es)/Farmer(s)/Individual(s)/Vendor(s) holding a current and paid Jacksonville Farmers' Market Permit License or one from an Arkansas municipality granting reciprocity to holders of Jacksonville Privilege License(s) will be exempt from payment of any additional privilege fee assessment.

Accepted payment for fees will be Cash, Check, or Debit/Credit (VISA, Master Card, American Express, or Discover only). Credit Card Payments will be accepted at the Jacksonville Community Center *only*. Checks must be made payable to the City of Jacksonville, and proper identification will be required. *No refunds or decrease in rental price will be given because of inclement weather or lack of business due to the weather or uncontrolled conditions.*

Spaces

The Jacksonville Parks and Recreation Department will collect applications and answer any questions, address and manage day-to-day market concerns. At the present time, there will be no reserved spaces at the Market. Farmers will be admitted according to their place in line and/or First-Come First-Serve basis.

Farmers must stay within their space. Farmers/Vendors should not encroach upon aisle space, common areas, fire lanes, or other Farmer/Vendor spaces. A minimum of Six-Inches (6") must be allowed on either side of all Farmer/Vendor displays so that there will be sufficient room for an individual to walk between the spaces.

No smoking is allowed at the Jacksonville Farmers' Market and/or upon Jacksonville Farmers' Market grounds, nor will there be any consumption, sale, or use of alcoholic beverages or drugs allowed. Violation of such provisions will result in removal and possible suspension of said Farmer/Vendor from the Jacksonville Farmers' Market.

Farmers/Vendors must sell within the boundaries of their space. Farmers/Vendors are not allowed to roam the Market in order to sell their products. Farmers/Vendors may not set up a table, etc. in order to hold or reserve a space. Booths unmanned or unstaffed may be assigned to another Farmer/Vendor, and the Parks and Recreation Department reserves the right to move and Farmers/Vendors equipment, merchandise, etc. out of a space in order to accommodate a new Farmer/Vendor, should circumstances dictate.

Space sizes will be approximately Ten feet by Ten feet (10'x10').

Pets

The Farmers' Market is located on City Property and is a public space to be used and enjoyed by all citizens. No live animals may be sold or given away at the Market. Farmers/Vendors pets are not allowed at the Market at any time. Exemptions to the previous rules are for Service Animals only.

Display

Farmers/Vendors should display all items on well-constructed, well-maintained, clean tables with presentable coverings. Produce must be displayed and stored above the floor.

Farmers/Vendors wishing to play music at their booth must keep the volume at a low level so as to not disturb their neighboring Farmers/Vendors and/or Market patron(s). The Parks and Recreation department reserves the right to revoke such privileges for an intermediate period should a Farmer/Vendor fail to follow said rules regarding music and/or volume of such. Farmers/Vendors may not hang anything in the pavilion, such as but not limited to cables, curtains, etc. on Market property.

Farmers/Vendors will set their prices and no "price fixing" shall be allowed. Prices shall be displayed for patrons to see. Any produce or other such products cannot be sold by weight unless a certified scale is used to determine said weight. Produce needs to be sold by the piece, box, basket, bunch, dozen, or bushel.

Equipment

The Market does not provide any set up equipment or supplies. It is the responsibility of the Farmer/Vendor to provide any and all extension cords, tables, chairs, signage, tape, decoration, and display equipment. Scales should be plainly visible to Market patron such that the patron standing outside the Farmers' space may easily see the scale readings. Farmers requiring ice and/or refrigeration will need to provide such. Farmers/Vendors may also use tents or canopies on the Southern-most One Hundred Feet (100') of the parking lot for the pavilion as authorized and designated by the Parks and Recreation Department. Farmers/Vendors may not hang anything from the pavilion such as cables, curtains, etc. located on Market Property.

Maintenance & Sanitation

At the close of each Market day, each Farmer/Vendor shall be required to leave the Farmers' Market grounds in a clean and sanitary condition free of debris, garbage, insects, or rubbish. Any booth(s), signage, table(s), tent(s), umbrella(s), etc. utilized by Farmers/Vendors during their operation of the Market shall be removed from Market Grounds on a daily basis.

Farmers/Vendors must pick up and remove all loose produce and sweep, if necessary, to leave their space in the same or better condition than it was upon their arrival that morning. Spaces are to be kept hazard free, reasonably attractive, and Farmers/Vendors activities should be fair and respectful to neighboring Farmers/Vendors and Market Patrons. Spoiled or leftover produce may *not* be disposed of at the Jacksonville Community Center and must be removed from the grounds by the Farmer, and Farmers may *not* use the neighboring business dumpsters for disposal of such waste. Farmers/Vendors shall cooperate fully in all efforts to control and/or eliminate pests, including but not limited to: rodents, insects, and birds. Farmers/Vendors may

not use the Jacksonville Community Center's outside or inside individual trash cans for such disposal, either.

Taxes

It is the responsibility of each Farmer/Vendor to know if they are required to collect and remit Arkansas Sales Tax.

Lost & Found

Please report and turn in all lost and found items to the Jacksonville Community Center.

Vehicles

Farmer/Vendor vehicles used to transport and sell merchandise at the Market are to be parked only in the designated and marked parking spaces surrounding and inside the pavilion, with no vehicle extending into the street, ingress/egress right-of-way, remaining parking lot space(s), or parked in a manner causing or likely to cause an obstruction of pedestrian and/or vehicular traffic. Farmer/Vendor spaces are to be used only to display merchandise. In no circumstances shall a vehicle be parked off of pavement in any of the surrounding green spaces.

Conduct

Inappropriate conduct or language towards other Farmers/Vendors, patrons, or Parks and Recreation employees/agents will not be tolerated and will be grounds for immediate dismissal and removal from the Market. Any and all complaints regarding such will be investigated thoroughly by the Parks and Recreation Department. Farmers/Vendors who choose to bring child(ren) to the Market are asked to ensure that the conduct of said child(ren) is appropriate and not disruptive to patrons or other Farmers/Vendors. The use of profanity in and around Market Grounds is unacceptable, and violators may be asked to vacate the premises and/or can lose Farmer/Vendor privileges.

City of Jacksonville Property & Personal Property

Farmers/Vendors may not use the Farmers' Market for engaging in any unlawful or improper activity. Incidents involving property damage, theft, or injury to Farmer/Vendor employees or Farmers' Market patrons must be reported immediately to the Jacksonville Parks and Recreation Department **and** the Jacksonville Police Department. Farmers/Vendors should adequately insure their own employees and any personal property used at the Farmers' Market and the City of Jacksonville assumes no responsibility or liability for Farmers'/Vendors' Personal Property, that of Farmers'/Vendors' employees, and/or Market Patrons.

Any damage, destruction, or injury to a Farmers/Vendors personal property, that of a Farmer/Vendor employee, or to Market Property or Market Patrons caused by Farmer(s)/Vendor(s) and/or their employee(s) shall be the sole responsibility of said offending Farmer/Vendor.

Rules & Regulations

The Jacksonville Parks and Recreation Department reserves the right to monitor any product sold at the Market or request the farming information when necessary. The above rules and regulations will be enforced by the Jacksonville Parks & Recreation Department and are for the benefit of the Farmers' Market as a whole. Said rules and regulations have been approved and are supported by the Jacksonville Parks and Recreation Commission. Jacksonville Parks and Recreation Department reserves the right to change said rules and regulations as needed and without notice. All participants of the Farmers' Market will be required to sign a Participation Form attesting that they have read and will abide by these rules and regulations. A signed Participation Form is required *prior* to setting up at the Market. The Jacksonville Parks and Recreation Department reserves the right to monitor any product sold at the Market or request the farming information when necessary.

Pavilion Rental

All requests to rent the Jacksonville Farmers' Market pavilion on days other than Market days are to call the Martin Street Youth Center at (501) 982-0818 for pavilion rental fees and reservations.